

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

CARLA HESTER	§	
v.	§	CIVIL ACTION NO. 6:04cv36
GRAHAM, BRIGHT & SMITH, ET AL.	§	

ORDER ADOPTING REPORT AND
RECOMMENDATION OF UNITED STATES
MAGISTRATE JUDGE

The Report and Recommendation of the Magistrate Judge, which contains her findings, conclusions, and recommendation for the disposition of this action, has been presented for consideration. The Report and Recommendation recommends that the Plaintiff's Motion for Partial Summary Judgment be granted and that an order be entered finding that, as a matter of law, Graham, Bright & Smith and R. Spencer Shytles are liable to Plaintiff for a violation of 15 U.S.C. § 1692i(a)(2) and that Aqua Finance, Inc., is liable to Plaintiff for a violation of Tex. Bus. & Com. Code § 17.46(b)(23), leaving the issue of damages for trial. Defendants filed written objections to the Report and Recommendation on April 14, 2005.

Having made a *de novo* review of the objections filed by Plaintiff, the Court finds that the findings, conclusions and recommendation of the Magistrate Judge are correct and the objections

are without merit. Therefore, the findings and conclusions of the Magistrate Judge are hereby adopted as those of the Court.

In light of the foregoing, it is

ORDERED that Plaintiff's Motion for Partial Summary Judgment (docket #50) is **GRANTED**. It is further

ORDERED that, as a matter of law, Graham, Bright & Smith and R. Spencer Shytles, Defendants, are adjudged liable to Carla Hester, Plaintiff, for violation of 15 U.S.C. § 1692i(a)(2) and Aqua Finance, Inc., Defendant, is adjudged liable to Carla Hester, Plaintiff, for violation of Tex. Bus. & Com. Code § 17.46(b)(23), leaving the issue of damages for trial.

All motions not previously ruled on are **DENIED**.

So **ORDERED** and **SIGNED** this 22nd day of April, 2005.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

LEONARD DAVIS
UNITED STATES DISTRICT JUDGE